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Registration of Assurance Act. 1864

Sub.- Law And Legislation/ India/Modified Act./ Registration of Assurance Act. 1864

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REGISTRATION.

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ACT No. XVI OF 1864.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 24th March 1864.)

An Act to provide for the Registration of Assurances.

Preamble.

WHEREAS it is expedient to consolidate and amend the laws relating the Registration of Assurances; It is enacted as follows:—

REPEAL OF REGULATIONS AND ACTS.

Laws repealed.

I. The Regulations and Acts and parts of Regulations and Acts set forth in the Schedule annexed to this Act are hereby repealed to the extent mentioned in the said Schedule, except in so far as such Regulations or Acts rescind other Regulations or Acts, and except as regards Instruments duly registered under them or any of them before the date on which this Act shall come into operation.

Repeal of Rules relating to the Registration of Assurances in certain Territories.

II. From the date on which this Act shall be extended as hereinafter provided to any part of British India in which the Regulations and Acts mentioned in the Schedule annexed to this Act are not in force, all Rules and Regulations relating to the Registration of Assurances in force in such part of British India shall cease to have effect, except as regards Instruments duly registered under any of the said Rules or Regulations in such part of British India.

DEFINITIONS.

III. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction—that is to say:—

Interpretation.

The words "British India" denote the Territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic., cap. 106, entitled "An Act for the better Government of India," except the Settlement of Prince of Wales' Island, Singapore, and Malacca:

"British India."

The words "Local Government" denote the person or persons authorized by law to administer the Executive Government in any part of British India:

"Local Government."

The words "year" and "month" denote a year or month respectively by the British Calendar:

"Year" and "month."

The word "Section" quoted denotes a Section of this Act.

"Section."

Words importing the singular number include the plural number; words importing the plural number include the singular number:

Number.

Words importing the masculine gender include females.

Gender.

IV. It shall be lawful for the Governor-General of India in Council, by an order to be published in the Gazette of India, to declare that in any Territory under the immediate administration of the Government of India the Head Executive Officer of

The Head Executive Officer of certain Territory may be vested with the powers conferred by this Act on local Governments.

such Territory shall exercise the powers vested by this Act in the local Governments, and thereupon such Officer shall, for the purposes of this Act, be the local Government of such Territory as defined in this Act.

REGISTRATION ESTABLISHMENT.

General Register Office.

V. Every local Government shall establish within the Territories subject to such Government, at such place as to it shall seem fit, an Office to be called the General Register Office, and shall appoint an Officer to the charge of such Office, who shall be the Registrar-General of the Territories for which he is appointed. Nothing in this Act contained shall make it unlawful for any Registrar-General to hold simultaneously any other Office to which he may be appointed by the local Government.

Formation of Districts and Sub-Districts.

VI. For the purposes of this Act, the local Government shall form Districts and shall divide such Districts into Sub-Districts, and shall prescribe and from time to time may alter the limits of the Districts and Sub-Districts so formed.

The local Government shall also for the purposes of this Act prescribe the limits of the Presidency Towns of Calcutta, Madras, and Bombay respectively: and every such Town shall, for the purposes of this Act, be deemed a District.

The local Government may, if it shall think fit so to do, divide the said Presidency Towns respectively into Sub-Districts, and may, from time to time, alter the limits of the said Presidency Towns and of the said Sub-Districts thereof.

The Districts and Sub-Districts formed under this Section, together with the limits thereof, and every alteration of such limits shall be forthwith notified by the local Government in the Official Gazette.

VII. The local Government shall establish in every District an Office to be styled the District Register Office, and in every Sub-District an Office to be styled the Deputy Register Office.

Establishment of Register Offices.

VIII. The local Government may appoint such persons, whether Public Officers or not as it may think proper, to be District Registrars of the several Districts, and to be Deputy Registrars of the several Sub-Districts formed as aforesaid respectively: provided that, except in the said Presidency Towns of Calcutta, Madras, and Bombay, no person shall at the same time hold both the Office of District Registrar and the Office of Deputy Registrar.

Appointment of District and Deputy Registrars.

IX. In each of the Presidency Towns aforesaid not for the time being divided into Sub-Districts, the District Registrar shall perform all the duties of a Deputy Registrar of a Sub-District under this Act in the same manner and subject to the same rules as if such Presidency Town were a Sub-District; provided that there shall be no appeal under Section LXII from his order.

Duties of District Registrar of a Presidency Town not divided into Sub-Districts.

X. In case of the absence of any Deputy Registrar, or of a vacancy occurring in the Office of any Deputy Registrar, it shall be lawful for the District Registrar to whom such Deputy Registrar is subordinate to appoint any person whom he may think proper to take temporary charge of the Office of such Deputy Registrar, and to register Instruments in the same manner as if such person had been appointed to the Office by the local Government. In case of the absence of any District Registrar, or of a vacancy occurring in the Office of any District Registrar, the Judge of the Principal Court of original Civil jurisdiction of the District shall, during such absence or vacancy, be the District Registrar. In case of the absence of the District Registrar of a Presidency Town, or of a vacancy occurring in the Office of any such Registrar, it shall be lawful for the Registrar-General of the Presidency, or place, to

Provision for cases of absence of Registrars or vacancy in the Office.

appoint any person whom he may think proper to take temporary charge of the Office of such Registrar.

Salaries and Establishments.

XI. It shall be lawful for the local Government, with the sanction of the Governor-General of India in Council, to assign such salaries as such local Government may from time to time deem proper to the Registrar-General, the District Registrars, and the Deputy Registrars appointed under this Act, or to provide for the remuneration of such Officers by fees, or partly by fees and partly by salaries. It shall also be lawful for the local Government, with the like sanction, to allow such Establishments for the General Register Office and for the Offices of the several District Registrars and Deputy Registrars as may be necessary for the purposes of this Act.

Seal of Office.

XII. The Registrar-General and the several District Registrars and Deputy Registrars shall use a seal bearing the following inscription in English and in such other language as the local Government shall direct: "The Seal of the Registrar-General *(or of the District Registrar, or Deputy Registrar)* of

INSTRUMENTS TO BE REGISTERED.

Certain Instruments not to be received in evidence in any Civil proceeding unless registered according to provisions of this Act.

XIII. No Instrument being a deed of gift of immoveable property, no lease of immoveable property for any period exceeding one year, no Instrument (other than a deed of gift or lease as aforesaid) which purports or operates to create, declare, transfer, or extinguish any right, title, or interest of the value of one hundred Rupees or upwards in any immoveable property, and no Instrument which acknowledges the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest as above, of such value as aforesaid, in any immoveable

property, shall be received in evidence in any Civil proceeding in any Court, or shall be acted on by any Public Officer if such Instrument shall have been executed on or after the date on which this Act shall come into operation, and if the property to which such Instrument relates shall be situate in any part of British India in which this Act is in force, unless the same shall have been registered in the manner and within the time prescribed by this Act. Provided that the provisions of this Section shall not apply to any lease executed between landlord and tenant relative to land in the Presidency of Madras liable to the payment of revenue to Government, but any such lease may be registered under Section XVI subject to the provisions of Sections XVII and XIX.

Proviso.

XIV. For the purposes of this Act the value of the right, title, or interest in any immoveable property created, declared, transferred, or extinguished by any Instrument shall be taken to be the value indicated by the Stamp affixed thereto or impressed thereon under Act X of 1862 *(to consolidate and amend the Law relating to Stamp Duties)*, or under any other Act for the time being in force for regulating the Stamp Duties.

Mode of determining the value of the right, title, or interest affected by Instruments required to be registered.

XV. If a District Registrar or Deputy Registrar shall refuse to register an Instrument falling within the provisions of Section XIII, it shall be lawful for any person interested to institute a regular suit in order to establish his right to have such Instrument registered, and the Instrument shall be admissible in evidence for the purposes of such suit. The District Registrar or Deputy Registrar who refused to register such Instrument shall not be made a party to any such suit; but the Court may, if it shall think proper, order such District Registrar or Deputy Registrar to register the Instrument, and he shall be bound to comply with the order. The petition of plaint in any suit instituted under this Section shall be written on paper bearing a stamp of the value of eight annas.

On refusal to register, regular suit may be brought to enforce registration.

Instruments whereof the registration is optional.

XVI. On and after the date on which this Act shall come into operation, any of the following Instruments executed on or after the said date may be registered under this Act :—

1. Any Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest of value less than one hundred Rupees in any immoveable property.

2. Any Instrument which acknowledges the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest, of such value as aforesaid, in any such immoveable property.

3. Any lease for a period not exceeding one year.

4. Any Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest in any moveable property.

5. Any Will, Codicil, or Authority to adopt a son.

6. Any decree or order of Court or private award of arbitration.

7. Any Deed, Bond, Contract, or other Obligation.

TIME OF REGISTRATION.

What Instruments not to be accepted unless presented for registration within twelve months after the coming into operation of this Act.

XVII. No Instrument of the descriptions mentioned in Sections XIII and XVI (other than a Will, Codicil to a Will, or Authority to adopt a son), which shall have been executed before the date on which this Act shall come into operation, shall be accepted for registration unless such Instrument be presented for registration within twelve months from such date.

XVIII. No Instrument of the descriptions mentioned in Section XIII, which shall have been executed after the date on which this Act shall come into operation, shall be accepted for registration unless presented for that purpose to the proper Officer within four months from the date of the execution thereof.

What Instruments not to be accepted unless presented for registration within four months after execution.

XIX. No Instrument of any of the descriptions mentioned in Section XVI (other than a Will, Codicil to a Will, or Authority to adopt a son), which shall be executed after the date on which this Act shall come into operation, shall be accepted for registration unless presented within two months from the date of the execution thereof.

What Instruments not to be accepted unless presented for registration within two months after execution.

XX. Any Will, Codicil to a Will, or Authority to adopt a son may at any time be registered in the manner hereinafter provided by the person making such Will or Codicil, or giving such Authority.

What Instruments may be registered at any time.

PLACE OF REGISTRATION.

XXI. Save as in this Act otherwise provided, every Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest in any immoveable property, and any Instrument acknowledging the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest in any immoveable property, or any lease, shall be presented for registration in the Office of the Deputy Registrar within whose Sub-District the property is situate.

In what Office certain Instruments to be presented for registration.

XXII. Every Instrument other than an Instrument of the nature specified in the last preceding Section shall be presented for registration in the Office of the Deputy Registrar within whose jurisdiction such

In what Office other Instruments to be presented.

Instrument is executed, or at any Registry Office under the same local Government at which all the parties executing such Instrument shall desire the same to be registered.

To what Officer Instruments affecting immoveable property situate in more than one Sub-District to be presented for registration.

XXIII. Every Instrument affecting immoveable property the whole of which, although situate in one District, is not situate in one Sub-District, may be presented for registration to any Deputy Registrar within whose Sub-District any part of such property is situate. It shall be the duty of such Deputy Registrar, after registering the Instrument, forthwith to cause to be made and to forward a copy thereof, endorsed in the manner provided in Section XXV, to the District Registrar to whom he is subordinate, who shall register the same, and forward a copy of such Instrument and of the endorsement aforesaid, to every Deputy Registrar in his District in whose Sub-District any part of such property is situate other than the Deputy Registrar in whose Office the Instrument shall have been originally registered, and every Deputy Registrar who shall receive such copy shall forthwith register the same.

To what Officer Instruments in language not understood by Deputy Registrar to be referred.

XXIV. If any Instrument tendered for registration be in a language which the Deputy Registrar does not understand, the Deputy Registrar shall refuse to register the Instrument, and shall refer the parties to the District Registrar, who shall deal with the Instrument in the same manner as he is required by this Act to deal with Instruments presented to him in the first instance for registration.

To what Officer Instruments affecting immoveable property situate in more than one District to be presented for registration

XXV. Every Instrument affecting immoveable property situate in more Districts than one may be presented for registration to the District Registrar of any such District in which any part of such property is situate. It shall be the duty of such District Registrar, after registering the Instrument, to cause to be made and to forward to the District Registrar of every

District in which any other part of such property is situate, a copy of such Instrument, endorsed with an attestation stating the date on which it was registered and its number in his Register Book. The District Registrar receiving such copy so forwarded and endorsed shall register the same as if it had been presented to him in the first instance, and shall forward a copy of such Instrument and of such endorsement as aforesaid to the Deputy Registrar of each Sub-District within the local limits of his jurisdiction in which any part of such property is situate, and every Deputy Registrar who shall receive such last mentioned copy shall forthwith register the same.

Registration by Registrar-General.

XXVI. It shall be lawful for the Registrar-General in his discretion to receive and register any Instrument of the nature specified in Section XXI, which may be presented at his Office for registration, without reference to the situation of the property to which the Instrument relates. In registering any Instrument under this Section, the Registrar-General shall follow the mode of registration hereinafter prescribed for the registration of Instruments presented in the first instance to a District Registrar or a Deputy Registrar.

Proceedings in case of registration by Registrar-General.

XXVII. It shall be the duty of the Registrar-General, on any such Instrument being registered in his Office under the last preceding Section, to cause to be made and forwarded to every District Registrar within the local limits of whose jurisdiction any part of the property to which the Instrument relates is situated, a copy of such Instrument endorsed with an attestation stating the date on which it was registered and the number in his Register Book: and the District Registrar receiving such copy shall register the same as if it had been presented to him in the first instance, and shall forward a copy thereof and of the endorsement aforesaid to the Deputy Registrar of each Sub-District within his jurisdiction in which any part of such property is situate, and every Deputy Registrar who shall receive such copy shall register the same.

By whom Instruments, with certain exceptions, are to be presented for registration.

XXVIII. Every Instrument to be registered under this Act, not being a Will, Codicil to a Will, or an Authority to adopt a son, shall be presented at the Office in which such Instrument is to be registered by all the parties executing the same, or by the heirs, representatives, or assigns of such parties, or by the authorized agents of such parties, or of their heirs, representatives, or assigns under a power of attorney—special or general. But no such power of attorney shall be recognized for the purposes of this Act unless it shall have been executed in the presence of, and duly attested by, the District Registrar or Deputy Registrar within the local limits of whose jurisdiction the person executing the same resides if he reside in any part of British India subject to the operation of this Act, or if he reside in a part of British India not subject to the operation of this Act, unless it shall have been executed in the presence of, and been duly attested by, the Officer presiding over the principal Court of original Civil jurisdiction within the local limits of whose jurisdiction the person executing the same resides. If the person executing such power of attorney do not reside within any part of British India, it shall not be recognised for the purposes of this Act, unless it shall have been executed in the presence of, and duly attested by, an Officer of the British Government, or by a Notary Public where there is such a functionary. The provisions contained in this Section relating to the execution of powers of attorney in the presence of the District Registrar or Deputy Registrar, shall not apply in the case of a Native woman of a rank or description which, according to the customs of the country, would render it improper to require her personally to attend at the Office of the District Registrar or Deputy Registrar. In the case of any woman of the rank or description above mentioned, the District Registrar or Deputy Registrar, if satisfied that the power of attorney is the free and voluntary act of the woman by whom it purports to have been made, may attest the same without requiring her personal attendance at his Office. For the purpose of satisfying himself on this point the District Registrar or Deputy Registrar may proceed or depute some trustworthy person to the residence of the woman to take her examination in the mode prescribed for taking the evidence of Native females of rank.

MODE OF REGISTRATION.

Enquiry before registration by the District Registrar, or Deputy Registrar.

XXIX. On the parties to any Instrument, their heirs, administrators, or assigns, or the agents of such parties authorized as hereinbefore provided appearing before the District Registrar or Deputy Registrar for the purpose of obtaining the registration of such Instrument, he shall proceed to enquire whether such Instrument was executed or not by all the parties thereto by whom it purports to have been executed, and to satisfy himself of the right of any person to appear as the heir, administrator, or assign of any party whom he shall claim to represent, or if any party shall appear by agent, of the authority of such agent. If all the parties executing the Instrument appear personally before the District Registrar or Deputy Registrar and are personally known to him, or in case they are not personally known to him, if they satisfy him that they are the parties they represent themselves to be, and if they all admit the execution of the Instrument, or in the case of any party appearing by authorized agent, if such agent shall admit the execution of the Instrument, the District Registrar or Deputy Registrar shall register the same.

Entries to be made as to persons examined.

XXX. The District Registrar or Deputy Registrar shall enter in the Register Book the name and address in full of every person whom he may examine as to any of the matters in the last preceding Section mentioned.

Mode of enforcing attendance of person whose testimony is required by Deputy Registrar.

XXXI. If any party to an Instrument shall require assistance to procure the attendance of a person whose testimony is necessary for the registration of such Instrument by a Deputy Registrar, such Deputy Registrar may in his discretion, and if such person shall be within the local limits of the jurisdiction of such Deputy Registrar, issue a summons requiring such person to attend at the Office of such Deputy Registrar at a time named in such summons.

Application when to be made to District Registrar.

XXXII. If the person whose attendance is required is not within the local limits of the jurisdiction of the Deputy Registrar, the party to the Instrument who requires his attendance shall apply, through the Deputy Registrar, to the District Registrar in whose District such person is, and the District Registrar may in his discretion issue a like summons for the attendance of such person at the Office of such Deputy Registrar.

Mode of enforcing attendance of person whose evidence is required by a District Registrar or Registrar-General.

XXXIII. The provisions of the last two preceding Sections shall apply *mutatis mutandis* to all cases in which a party executing an Instrument shall require assistance to procure the attendance of a person whose testimony is necessary for the registration of such Instrument by a District Registrar or by a Registrar-General.

Law relating to attendance of witnesses in suits in Civil Courts to apply to persons summoned as witnesses under this Act

XXXIV. The provisions of the Acts in force for the time being for procuring the attendance of witnesses for the examination, remuneration, and punishment of witnesses in suits before Civil Courts shall be of equal force and effect in respect of any person summoned to appear as a witness under the foregoing provisions of this Act.

Erasures or interlineations in Instruments presented for registration.

XXXV. No Instrument shall be accepted for registration if any interlineation, erasure, or alteration shall appear on such Instrument, unless the parties appearing to register the same shall attest with their signatures such interlineation, erasure, or alteration; and it shall be the duty of the Officer registering such Instrument, at the time of registering it, to make a note in the Register of such interlineation, erasure, or alteration.

Particulars to be endorsed on Instrument admitted to registration.

XXXVI. On every Instrument admitted to registration there shall be endorsed the following particulars—that is to say:—

1. The date and hour of presentment.

2. The names in full of the parties executing the Instrument: and if it shall have been presented by the heir, representative, or assign, or by the agent of any party, the name of such heir, representative, assign, or agent.

3. The name and address in full of every person whose evidence may have been taken under any of the provisions of this Act.

4. Any payment of money or delivery of goods made in the presence of the District Registrar or Deputy Registrar.

Endorsement by whom to be signed and how to be certified.

XXXVII. The endorsement shall be signed by every party executing the Instrument, or by his heir, representative, or assign, or by his agent, and shall be certified by the seal and signature of the District Registrar or Deputy Registrar. The Instrument thus endorsed shall be *primâ facie* proof, on the production thereof in any Court, that such Instrument has been duly registered in the manner provided in this Act. Provided that it shall be competent to the Court to require further evidence of such registration if it shall see sufficient cause for doing so.

Registered Instrument to be copied and numbered.

XXXVIII. Every Instrument admitted to registration and endorsed as hereinbefore provided shall be copied in its appropriate book according to the order of its presentation, and shall be numbered accordingly.

And returned with a further endorsement.

XXXIX. After the provisions of Sections XXXVI, XXXVII, and XXXVIII shall have been complied with, the Instrument shall be returned to the party who shall have presented the same for registration, with a further endorsement inscribed thereon and certified as above, containing the number and page of the book in which the copy and the registration of the Instrument shall have been made.

The forwarding duplicate abstracts of certain Instruments registered in the Office of Deputy Registrar.

XL. An abstract of every original Instrument affecting immoveable property registered in the Office of any Deputy Registrar shall, with an endorsement attesting the date on which it was registered and its number in the Register Book of such Deputy Registrar, within seven days be forwarded in duplicate to the District Registrar, who shall forthwith forward one of such duplicates to the General Register Office.

The forwarding abstracts of certain Instruments registered in the Office of the District Registrar.

XLI. An abstract of every original Instrument affecting immoveable property registered in the Office of any District Registrar shall, with an endorsement attesting the date on which it was registered and its number in the Register Book of such District Registrar, within seven days be forwarded to the General Register Office.

Such abstracts to be entered in General Register Office.

XLII. On the receipt in the General Register Office of the abstract of any entry made in any Register, the same shall be entered in the Book No. 1, 2, 3, or 4, described in Section LVI. of this Act, as the case may be.

DECREES AFFECTING REGISTERED INSTRUMENTS.

In what cases Memorandum of decree affecting certain registered Instruments to be sent to the Office in which such Instrument shall have been registered.

XLIII. When any Civil Court shall by a decree or order declare any Instrument relating to immoveable property which shall have been registered under this Act to be invalid, or when any Civil Court shall pass a decree or order affecting the validity or otherwise of any such Instrument, and such last mentioned decree or order shall create, declare, transfer, limit, or extinguish any right, title, or interest under such Instrument in the immoveable property to which it relates, such Court shall cause a Memorandum of the decree or order to be sent to the Office in which such Instrument shall have been originally registered.

Proceedings on receipt of such Memorandum.

XLIV. Whenever any Memorandum is received under the last preceding Section, a transcript thereof shall immediately be made in the margin of the part of the book in which there is any register of the Instrument affected by such Memorandum: and the District Registrar or Deputy Registrar shall forthwith transmit a copy of such Memorandum to the Registrar-General, and to every District Registrar and every Deputy Registrar in whose Office the said Instrument or any abstract thereof is registered.

To what Registrars Memorandum of decrees affecting immoveable property to be sent.

XLV. When any Civil Court shall by a decree or order create, declare, transfer, limit, or extinguish any right, title, or interest of any person in any immoveable property situate in any part of British India in which this Act is for the time being in force, such Court shall cause a Memorandum of the said decree or order to be sent to every District Registrar and every Deputy Registrar within the local limits of whose jurisdiction such immoveable property or any part thereof is situate. Every such Memorandum received by a District Registrar or Deputy Registrar shall be entered by him in a book to be kept for the registration of decrees and orders: and a copy of such Memorandum shall be sent to the Registrar-General.

REGISTRATION OF WILLS, CODICILS, AND AUTHORITIES TO ADOPT.

Mode of presenting for registration Wills, Codicils, and Instruments giving authority to adopt.

XLVI. Any person wishing to register his Will, a Codicil to his Will, or any Instrument giving authority to adopt a son after his decease shall, either personally or by a duly authorized agent, deliver such Will, or Codicil, or Instrument, in a sealed cover superscribed with the name of the depositor and the nature of the Instrument, to a District Registrar, who shall, if the Will, Codicil, or Instrument be presented in person, satisfy himself of the identity of the person presenting it, or if the Will, Codicil, or Instrument be presented by an agent, shall satisfy himself of the authority of such agent, as provided in Section XXVIII.

XLVII. If satisfied as above, the District Registrar shall enter the receipt of every sealed cover delivered to him under the last preceding Section in the Register of Deposits of Wills, Codicils, and Instruments giving authority to adopt, transcribing therein the superscription on such sealed cover, and noting in the Register and on the sealed cover the year, month, day, and hour of such receipt, together with the name of the depositor and the name of each of the persons testifying to the identity of such depositor, and the inscription, so far as it is legible, on the seal of the depositor. The District Registrar shall then place the sealed cover in a fire-proof box to be supplied by Government for that purpose.

Such documents how to be entered.

XLVIII. If the depositor of any such sealed cover shall wish to withdraw the same, it shall be lawful for him to apply by petition to the principal Court of original Civil jurisdiction having jurisdiction where the sealed cover was deposited, for an order that the same be given up to him. If the Court shall be satisfied as to the identity with the depositor of the person applying for such an order, it may, if it shall see fit, make such an order as applied for, and the District Registrar in whose Office the sealed cover was deposited shall deliver up the same in obedience to the order.

Withdrawal of such documents.

XLIX. If on the death of the depositor of a sealed cover under Section XLVI application be made to the District Registrar in whose Office the said sealed cover was deposited to open the same, the District Registrar, after satisfying himself that the depositor is dead, shall, in the presence of the person making such application, open the sealed cover, and shall enter a copy of the contents thereof, to be made at the expense of the applicant, in a Register of Wills, Codicils, and Instruments giving authority to adopt a son. When such copy shall have been entered, the District Registrar shall re-deposit the original Will, Codicil, or Instrument, until required to produce the same in a Court of Justice.

Proceedings on death of depositor.

Re-deposit of such documents.

Copies of Wills re-deposited to be furnished on payment of fees.

L. The District Registrar shall furnish to any applicant who shall pay to him the fees payable under this Act in respect thereof a copy, authenticated by his signature, of any Will re-deposited under the last preceding Section. And any copy certified by the District Registrar to be a true copy, shall be evidence of the contents of the Will, Codicil, or Instrument giving authority to adopt of which it purports to be such copy.

SPECIAL REGISTRATION OF OBLIGATIONS FOR PAYMENT OF MONEY.

Parties may have agreement recorded that amount secured by a written obligation shall be recovered without suit.

LI. Whenever the parties to a bond or other written obligation for the payment of money shall, at the time of registering the same under the provisions of this Act, apply to the District Registrar or Deputy Registrar to record their agreement that in the event of the bond or other written obligation as aforesaid not being satisfied within the time stipulated the amount may be recovered as hereinafter provided without a suit, it shall be the duty of the District Registrar or Deputy Registrar, after making such enquiries as he may think proper, to record such agreement at the foot of the endorsement required by Section XXXVI., and such record shall be signed by the District Registrar or Deputy Registrar, and by the parties to the bond or other written obligation as aforesaid.

Obligations for the payment of money registered with such agreement may be enforced without suit.

LII. A bond or other obligation for the payment of money registered with such agreement as in the last preceding Section mentioned may be enforced without a suit by any Court which would have had jurisdiction to try a suit on such bond or other obligation for the recovery of the amount, provided that the application for the enforcement of the same be made within the period of one year from the date on which the amount became payable. The bond or other obligation as aforesaid shall be enforced as a decree in a suit under the rules applicable to the execution of decrees in the Court in which the application for enforcement is made, but subject to any provisions contained in any law for

the time being in force in relation to the enforcement, without a suit, of bonds or other obligations for the payment of money registered with such agreement as aforesaid. The application for the enforcement of a bond or other obligation for the payment of money under this Section shall be written on a stamp paper of one-fourth the value prescribed for a petition of plaint in a suit to recover the same amount under the provisions of Article 11, Schedule B, Act X. of 1862 *(to consolidate and amend the Law relating to Stamp Duties)*, or any other Law for the time being in force for regulating Stamp Duties.

REGISTRATION FEES.

Fees to be charged for registration, &c., how to be fixed.

LIII. Subject to the approval of the Governor-General of India in Council, the local Government shall prepare a table of fees payable for the registration of Instruments, for searching the Registers, and for making or granting copies of entries, abstracts, or Instruments either on registration or search. Subject to the like approval, the local Government shall also prepare a table of special additional fees payable for every registration by a Registrar-General under Section XXVI, and for such other matters as shall to the local Government appear necessary. The local Government may from time to time, subject to the like approval, alter such table. A table of the fees so payable shall be published in the Official *Gazette*, and shall be exposed to public view in every Office established for the registration of Instruments, and no Instrument shall be accepted for registration, and no copy shall be granted, and no search shall be made or allowed until the fee duly prescribed in that behalf shall have been paid.

Disposal of Fees.

LIV. All fees received under the provisions of this Act (not being fees payable under Section XI. of this Act to Officers who are paid wholly or in part by fees) shall be remitted to such Treasury as the local Government shall direct, and be credited to Government.

REGISTERS.

LV. The local Government shall provide for the Office of every Registrar-General, District Registrar, and Deputy Registrar such books as may be necessary for the purposes of this Act. The books so provided shall contain such printed forms as shall from time to time be prescribed by the Registrar-General, with the sanction of the local Government, for the entries to be made therein and for the indexes to such books, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title page by the Officer by whom such books shall be supplied. The local Government shall further supply the Office of every District Registrar with a fire-proof box.

Books.

Forms.

Fire-proof boxes.

LVI. In every General Register Office, and in the Office of every District Registrar and Deputy Registrar, four Books shall be kept, which shall be entitled—

Four distinct Books.

1. Register of absolute transfers of immoveable property.

2. Register of other transfers of immoveable property.

3. Register of decrees and orders of Court and of awards of arbitrations.

4. General Register of all other Instruments for the registration of which provision is made in this Act, and the entry of which is not required to be made in any other Register.

LVII. All entries made in such books shall be numbered in a consecutive numerical series which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year. Whenever any Instrument for the registration of which application may be made refers to

In which book certain instruments to be registered.

immoveable and also to moveable property, it shall be entered in Book No. 4 and also in Book No. 1, 2, or 3, as the case may be.

Indexes.

LVIII. Two Indexes shall be prepared for each Register, one containing the name of every party to every Instrument registered, and the other, in the case of immoveable property, containing the name of the village or place where the property is situate, together with a description of the property and its name, and such other particulars and in such form as the Registrar-General shall from time to time prescribe under Section LXIV.

Registers of Wills, &c.

LIX. Every District Registrar shall, in addition to the books prescribed in Section LVI. of this Act, keep two books, to be entitled—

Register of deposits of Wills, and Codicils to Wills, and Instruments giving authority to adopt a son, as provided in Section XLVII.

Register of Wills, Codicils, and Instruments giving authority to adopt a son, as provided in Section XLIX.

Inspection of Registers and copies of entries.

LX. Subject to the previous payment of such fees as may be payable in that behalf, the Registers in the General Register Offices and in the Offices of all District Registrars and Deputy Registrars shall be at all times open to inspection by any person applying to inspect the same, and certified copies of any entry in such Registers shall be given to all persons applying for such copies. Provided that the only Registers to be inspected shall be the Registers Nos. 1, 2, and 3, specified in Section LVI, and the Register specified in Section XLIX.

GENERAL RULES.

Control of proceedings of Deputy Registrars.

LXI. Every Deputy Registrar shall perform the duties of his Office under the superintendence and control of the District Registrar in whose District the Office of

such Deputy Registrar shall be situate; and the District Registrars shall have authority to issue (whether on complaint or otherwise) any orders they may consider necessary in respect of any proceeding or omission of any Deputy Registrar subordinate to them.

Revision of orders of Deputy Registrars refusing registration.

LXII. Every District Registrar may revise or alter any order of any Deputy Registrar subordinate to him refusing to admit a document to registration if an appeal against such order be presented to the District Registrar within thirty days from the date of the order, but not otherwise.

No appeal from order admitting to registration.

LXIII. No appeal shall lie to the District Registrar from an order of a Deputy Registrar admitting an Instrument to registration.

General control by Registrar-General.

Power to frame Rules.

LXIV. The Registrar-General shall exercise a general superintendence over all the Register Offices within the local limits of his jurisdiction, and shall have power from time to time to frame rules not inconsistent with the terms of this Act for the guidance of the District Registrars and Deputy Registrars subordinate to him, for regulating the proceedings of these Officers, and for providing for the safe custody of books, papers, and Instruments, and also for the destruction of such books, papers, and Instruments as it may be deemed to be no longer necessary to keep. The rules so framed shall be submitted to the local Government for approval, and after they shall have been approved, they shall be published in the Official Gazette, and shall have the same force as if they were inserted in this Act.

Registration to be made at a Public Office.

Exception.

LXV. The registration of all Instruments under this Act shall be made only at the Public Office of the Officer whose duty it shall be to register the same; but any District Registrar or Deputy Registrar may, on special cause being shown, attend at the place

Number and Date of Regulations.	What Code.	Title.	Extent of Repeal.
Reg. VIII., 1805 ...	Bengal Code	For extending to the conquered Provinces situated within the Doab and on the right bank of the River Jumna, and to the Territory ceded to the Hon'ble the English East India Company in Bundlecund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company as have not been already extended to those Territories, and for revising and amending certain parts of the said Laws and Regulations ...	Section XVII so far as it relates to Regulation XVII., 1803.
„ XII., 1805 ...	Bengal Code	For the settlement and collection of the Public Revenue in the Zillah of Cuttack, including the Pergunnahs of Puttespore, Kummardichour, and Bograe, at present included in the Zillah of Midnapore ...	Section XXXII.
„ XX., 1812 ...	Bengal Code	For modifying some of the provisions contained in the existing Regulations respecting the registry of Deeds, and for establishing a Register of engagements for the delivery of Indigo ...	The whole Regulation.
„ IV., 1824 ...	Bengal Code	To provide more effectually for the Office of Register of Deeds ...	The whole Regulation.
„ VII., 1832 ...	Bengal Code	For modifying certain of the provisions of Regulation V., 1831, and for providing Supplementary Rules to that enactment ...	Section IV.
„ XVII., 1802...	Madras Code	For establishing a registry for Wills and Deeds for the transfer or mortgage of real property ...	The whole Regulation.
„ XI., 1831 ...	Madras Code	To provide more effectually for the Office of Registor of Deeds ...	The whole Regulation.
„ IX., 1827 ...	Bombay Code	For establishing a Register of Title Deeds and a general Register of Deeds, obligations, and other writings in each Zillah subordinate to the Presidency of Bombay ...	The whole Regulation.
„ XIII., 1828 ...	Bombay Code	For enabling Assistant Judges, when expedient, to keep the Registers prescribed by Regulation II. of 1827 when stationed in the Districts ...	The whole Regulation.

Number and Date of Acts.	Title.	Extent of Repeal.
Act. XXX., 1838 ...	... ...	The whole Act.
„ I., 1843 ...	For amending the Law concerning the Registration of written Conveyances and other Instruments affecting titles and other interests to land ...	The whole Act.
„ XIX., 1843 ...	For amending the Law respecting the Registration of certain Deeds ...	The whole Act.
„ IV., 1845 ...	To amend the Law regarding the Registration of Deeds ...	The whole Act.
„ XVIII., 1847 ...	For curing the invalidity in the registration of Deeds arising from the fact of having been registered by persons not duly appointed or on other than Court days ...	The whole Act.
„ XI., 1851 ...	For the custody of Registers of Deeds in the Presidency of Bengal ...	The whole Act.
„ XXIX., 1856 ...	Concerning the taking of Oaths of Office by Registers of Deeds ...	The whole Act.
„ III., 1859 ...	For conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds. ...	Sections IX and X.